



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2004-48

August 26, 2004

Kathryn Kittredge  
391 Concord Road  
Marlborough, MA 01752

RE: DES Wetlands File #2002-02683, Moultonborough Tax Map 2, Lot 38

Dear Ms. Kittredge:

On July 30, 2004, personnel from the New Hampshire Department of Environmental Services ("DES") conducted a field inspection of property you own in Moultonborough, NH, identified on Town of Moultonborough Tax Map 2 as Lot 38 (the "Property"). The purpose of the inspection was to determine whether the Property is in compliance with the DES Wetlands and Non-Site Specific Permit #2002-2683 (the "Permit"). The Permit authorized the construction of a 3 ft x 7 ft concrete pad, 6 ft x 40 ft seasonal hinged dock, 4 ft x 12 ft seasonal walkway connecting the seasonal dock to the previously approved 6 ft x 44 ft piling pier, and install 2 pilings within the center slip to support permanent boatlift and canopy in accordance with plans by Winnepesaukee Marine Construction revised April 21, 2003, as received by the Department on April 22, 2003 (the "Plans").

The inspection revealed that work on the Property was not conducted in accordance with the Permit and Shoreland Protection Administrative Rule Part Env-ws 1405 (enclosed). The following deficiencies were documented:

1. Two pilings from the permanent piling pier were not removed when the permanent watercraft lift's supporting fender pilings were installed.
2. A 113.10 sq ft patio west of the docking facility was constructed 12 ft from the normal high water mark.
3. A 283.53 sq ft fire pit patio northeasterly of the docking facility was constructed 14 ft 2 in from the normal high water mark.

DES records indicate that no permits have been issued for the 2 pilings remaining under the piling pier and the disturbed, non-stabilized 19 ft x 10 ft area easterly of the docking facility within the shoreline, resembling a beach. The patio west of the docking facility is 8 ft closer than allotted by DES Shoreland Protection Administrative Rule Part Env-Ws 1405.04a, and the fire pit patio is 5 ft 10 inches closer than allotted by DES Shoreland Protection Administrative

Rule Part Env-Ws 1405.04a and is 133 sq ft larger than allotted by DES Shoreland Protection Administrative Rule Part Env-Ws 1405.03. In response, you are requested to take the following actions:

1. Submit a dimensioned, drawn to scale plan, showing:
  - A. Existing conditions, with wetland boundaries; and
  - B. Proposed conditions after reestablishing the jurisdictional areas, including:
    - I. The current configuration of the pilings (as-built).
    - II. The removal of patio west of the docking facility.
    - III. The removal of the fire pit patio.
2. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
3. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species
4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Darlene Forst, Shoreland Program Supervisor  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

  
**COPY**

Darlene Forst  
Shoreland Program Supervisor  
DES Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0696 0534

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Moultonborough Conservation Commission  
Moultonborough Board of Selectmen  
USACOE